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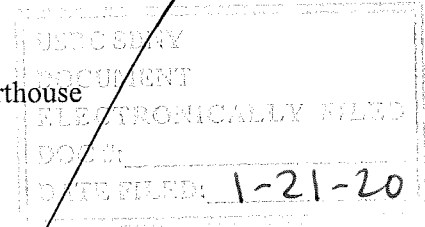
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January 21, 2020

VIA ECF

Hon. Vincent L Briccetti
United States District Court, Southern District of New York
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150



Re: *Herrera Isidoro, et al. v. La Fonda Restaurant and Tapas Bar Inc., et al.*
18-cv-5066 (VB)

Dear Judge Briccetti:

We represent Plaintiff Raquel

We hereby request an informal conference

Your Honor's Individual Practice

defendants Jorge Ayala and Denisse

interrogatories served by Plaintiff, and

Plaintiff served interrogatories

defendants on or about November 26, 2019.

Exhibit A. To date, Defendants have not

This is the case even though the Court has

requests and interrogatories shall be responded to by November 26, 2019 and all discovery shall

be completed by December 31, 2019. (Dkt. No. 41) The undersigned had reminded Defendants

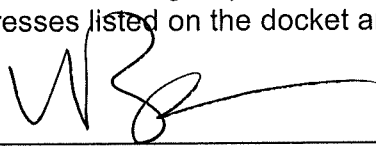
of their obligation to respond to the outstanding discovery several times by email and telephone in

December. On a telephone call on or about December 23, 2019 with James Gonzalez, a business

Pursuant to the Court's January 6, 2020 Order (Doc. #46), defendants' deadline to respond to the letter motion is January 31, 2020, at which time the Court will decide how to proceed.

Plaintiff's counsel is reminded of its obligation to serve all papers on opposing parties. Because here, defendants are pro se, defendants do not receive notifications through the Court's Electronic Case Filing system and accordingly, plaintiff's counsel must file proof of service on the docket.

The Clerk is instructed to mail a copy of this Order and the underlying letter motion with Exhibit A (Docs. ##49, 49-1) to pro se defendants Jorge Ayala and Denisse Ayala Garcia at their addresses listed on the docket and terminate Doc. #49.

 1/21/20

Vincent L. Briccetti, U.S.D.J., Date

partner of Defendants and the (non-attorney) individual who has taken a proactive role in assisting Defendants, the undersigned was told that production would be forthcoming. However, no written responses were provided. Defendants did produce a single document: a purported report of the dates and time of credit card transactions at a cash register. Because Defendants did not respond in writing, Plaintiff does not know if there are other documents responsive to Plaintiff's requests which have not been produced.

Plaintiff respectfully requests that the Court compel the Defendants to respond to the interrogatories and documents requests in writing and produce any responsive documents, upon penalty of other sanctions provided for by Rule 37 of the Federal Rules of Civil Procedure, including preclusion of evidence and testimony and striking of Defendants' answer if they fail to comply with the court's order. Plaintiff also requests pursuant to Rule 37 that Defendants pay Plaintiff's attorneys' fees for the making of this motion.

The parties met and conferred by telephone and in person at the January 6, 2020 Court conference.

Respectfully Submitted,

/s/Joshua S. Androphy
Joshua S. Androphy